EXTRACT COUNCIL MINUTES: 29 AUGUST 2019

RESOLVED **Item A99/29/08/2019**

that the Amended Process Plan and Time Schedule for the drafting and review of the 2020-2022 IDP Amendment (which includes the budget preparation process) and amendment of the Spatial Development Framework (SDF) be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000), read together with Section 3(2)(a) of the Land Use Planning By-law; that the Council confirms its intention to amend the SDF.

Item number A99. 29.08.2019

AMENDMENTS TO THE 2017-2022 FIVE YEAR INTEGRATED DEVELOPMENT PROCESS PLAN AND THE REVIEW OF THE SPATIAL DEVELOPMENT FRAMEWORK (SDF): THIRD REVIEW OF THE 2017-2022 INTEGRATED DEVELOPMENT PLAN

Report of the IDP Administrator: Mrs D Jonas and Town Planner: Mr W. Schutte

Department	Municipal Manager / Corporate Services
Section	Integrated Development Planning / Town Planning
File number	12/2/3/33

PURPOSE OF THE REPORT

The purpose of this report is to obtain Council approval of the amendments to the 2017-2022 five year Integrated Development Plan and the review of the Spatial Development Framework (SDF): Third Review of the 2017-2022 Integrated Development Plan.

BACKGROUND AND LEGAL FRAMEWORK

The Fourth Generation IDP for the period 2017 to 2022 was adopted by Council per Item A83 on 30 May 2017 as required by legislation. The third review of the 2017-2022 IDP for Swellendam Municipality in terms of section 34 (b) of the MSA will serve as a 2017-2022 IDP Amendment (2nd Review was adopted by Council per Item A61 on 30 May 2019), because of a comprehensive review to the Spatial Development Framework (SDF). The Swellendam SDF was drafted prior to the promulgation of the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) and the Land Use Planning Act, 2014 (LUPA) therefor the Ministry of Local Government, Environmental Affairs and Development Planning recommended comprehensive review by 2020. The adopted amendments to the Swellendam Spatial Development Framework read as part of the Fourth Generation Integrated Development Plan of 2017-2022.

Integrated Development Plan

Integrated development planning is regulated by Chapter 5 of the Local Government Municipal Systems Act, Act 32 of 2000. Section 25 (1) requires each Municipal Council to adopt a single, inclusive and strategic plan (IDP) for the development of the Municipality within a prescribed period after the start of its elected term.

In terms of section 34 of the Municipal Systems Act (Act 32 of 2000) prescribes the process for the Review and Amendment of the IDP as such:
a municipal council -
(a) must review its integrated development plan -
- (i) annually in accordance with an assessment of its performance measurements in terms of section 41, and
- (ii) to the extent that changing circumstances so demand; and

(b) may amend its integrated development plan in accordance with a prescribed process.

Section 34 (b) of the MSA states that a Municipal Council may amend its IDP in accordance with a prescribed process which is set out in Regulation 3, of the Municipal Systems Act (MSA) Planning and

Performance Management Regulations of 2001. The process to be followed when amending an IDP, which can only be proposed by a member or a committee of council, entails the following:

- Submitting a memorandum setting out the reasons for the proposal and should be aligned with the framework adopted in terms of MSA Sec. 27;
- The amendment to the IDP must be adopted by a decision taken by the municipal Council (council resolution);
- Reasonable notice must be given to the members of Council about the proposed amendment and it has to be published for public comment for a period of at least 21 days.

In addition to the amendment process, Districts and B-municipalities have to consider the following:
(i) District Municipality must
- Consult with its local municipalities; and
- Consider all comments provided to it by the B-municipalities before a final decision is made

(ii) B-municipality must
- Consult its District Municipality;
- Take all comments submitted to it by the district municipality into account before a final decision is made.

The legal framework, contents, processes and procedures relating to the IDP originates from Chapter 5 of the Municipal Systems Act, Act 32 of 2000 read with Sections 21 (1) (a) and (b); 22 (a) (i) and (ii) and 17 (3) (d) of the Municipal Finance Management Act, Act 56 of 2003 (MFMA) as well as Section 17 (3) (d) of the MFMA stipulates that any proposed amendments to the IDP following the annual review of the IDP in terms of section 34 of the Systems Act, must be tabled by the Mayor together with the budget. The tabling of the budget must be done 90 days before the start of the new budget year in terms of section 16 of the MFMA. Section 22 stipulates that the annual budget and other documents referred to in section 17 (3) must be made public and the local community must be invited to submit representations in connection with the budget.

Spatial Development Framework

Swellendam Municipality is currently in the process of amending the Municipal Spatial Development Framework (SDF), in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ('SPLUMA'), the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) ('LUPA') and the Municipal Land Use Planning Bylaw.

Section 12(5) and (6) of SPLUMA states that:
12(5) A municipal spatial development framework must assist in integrating, coordinating, aligning and expressing development policies and plans emanating from the various sectors of the spheres of government as they apply within the municipal area.
12(6) Spatial development frameworks must outline specific arrangements for prioritising, mobilising, sequencing and implementing public and private infrastructural and land development investment in the priority spatial structuring areas identified in spatial development frameworks.

The Land Use Planning By-law prescribes procedures to be followed to amend the municipal spatial development framework.
*Section 3(1) stipulates that Council mus*t –
(a) Establish an intergovernmental steering committee to compile or amend its municipal spatial development framework; or
(b) Refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to the Provincial Minister for comment.
Section 3(2) stipulates that the Municipality must –

(a) Publish a notice in two of the official languages of the Province, most spoken in the area and in two newspapers circulating in the area concerned of-
    (i) The intention to compile or amend the municipal spatial development framework; and
    (ii) The process to be followed, in accordance with section 28(3) and 29 of Municipal Systems Act;
(b) Inform the Provincial Minister in writing of –
    (i) The intention to compile or amend the municipal spatial development framework
    (ii) Its decision in terms of subsection (1)(a) or (b); and
    (iii) The process to be followed to compile or amend the municipal spatial development framework, including the process contemplated in subsection (2)(a)(ii).
(c) Register relevant stakeholders, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process contemplated in subsection (2)(a)(ii).

DISCUSSION

In terms of Sections 28(2) and 29(1) of the Local Government Municipal Systems Act (Act 32 of 2000) read together with Section 21(1) the Local Government Municipal Finance Management Act (Act 56 of 2003) (MFMA) the Municipal Council adopted a Process Plan to guide the planning, drafting, and adoption of its Amendments to the 2017-2022 five year Integrated Development Plan and the review of the Spatial Development Framework (SDF): Third Review of the 2017-2022 Integrated Development Plan.

An amended process plan sets out the following:

- The scope of application of the IDP and an explanation of the IDP Cycle;
- The applicable legislative framework;
- A stakeholder analysis which identifies public participation platforms;
- Alignment of the IDP to other plans;
- Roles and responsibilities;
- The annual revision;
- A detailed programme and time schedule which demonstrates the integration of the budget;
- The Council resolution adopting the Process Plan.

The proposed amendments to the SDF is focused on making the SDF SPLUMA compliant as the SDF was largely formulated during the previous legislative environment. The principles of SPLUMA and LUPA must be incorporated into the document. The amendment process will also entail the incorporation of planning proposals received from the public during the public participation process and the update of the document with the latest available environmental information, statistics and economic indicators. Integration with the IDP process and public engagement is regarded as a critical part of this amendment process.

Documentation is attached on page 218 to 238 of the Annexures.

LEGAL IMPLICATIONS

Local Government: Municipal Systems Act No 32 of 2000.
Local Government: Municipal Finance Management Act 56 of 2003.
Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ('SPLUMA')

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENT FROM DEPARTMENTS

Director: Corporate Services

The recommendation is supported

Director: Community Services

The recommendation is supported

Director: Financial Services

The recommendation is supported

Director: Infrastructure Services

The recommendation is supported

Comment from Municipal Manager

The recommendation is supported.

RECOMMENDED

that the Amended Process Plan and Time Schedule for the drafting and review of the 2020-2022 IDP Amendment (which includes the budget preparation process) and amendment of the Spatial Development Framework (SDF) be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000), read together with Section 3(2)(a) of the Land Use Planning By-law; that the Council confirms its intention to amend the SDF.